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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,330	04/05/2000	Julie Rae Kowald	169.1658	6705

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NEW YORK, NY 10112

EXAMINER
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CHIEU, PO LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/543,330	KOWALD, JULIE RAE
	Examiner Polin Chieu	Art Unit 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-70 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-70 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 4 is objected to because of the following informalities: "about 4 seconds" and "about 10 seconds" cannot reasonable be determined by the examiner. Are the ranges set by claim 3 about 4 or about 10 seconds? Or is the range of acceptable lengths narrower? For the sake of examination the examiner has assumed that the ranges set by claim 3 are acceptable. Appropriate correction is required.
2. Claim 20, 34, 45-46, 55, and 63 objected to because of the following informalities: "at at least one said title location" should be corrected. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-15, 18, 22-29, and 35-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Fijita et al (5,841,740).

Regarding claims 1, 22, and 35, Fijita et al discloses extracting characteristic data associated with each clip from the sequence, the characteristic data including at least time data related to the corresponding duration (fig. 18A); processing the characteristic data according to at least one template of editing rules to form editing

characteristic data according to at least one template of editing rules to form editing instruction data (editing points set by the user, fig. 5 and figs. 19A and B), the editing rules comprising at least a predetermined cutting format configured to form editing segments based on a plurality of predetermined segment durations (set by the user, fig. 19A and B); and processing the video sequence according to the editing instruction data to form an edited sequence of the edited segments (fig. 19B). Note: the clips are considered to have a duration because figure 18A discloses having start and end times of clips, which allows the durations to be determined. Fijita et al additionally discloses supply means for providing a video sequence comprising at least one clip (AVIN or S30, fig. 1), each said clip each having a determinable duration (fig. 18A); and outputting means for receiving the edited sequence (S20 or AVOUT, fig. 1). The template of editing rules and predetermined cutting format are determined by the user in Fijita et al. The examiner recognizes that the specifications disclose that these items are automated; however, the claim language fails to recite automation. Therefore, the examiner believes that if the user sets the template of editing rules and predetermined cutting format, then the limitations of the claims have been met.

Regarding claim 2-4, Fijita et al discloses that the cutting format provides for the formation of the edited segments each comprising one of at least a first duration (A, B, or C) and a second duration (A, B, or C) and for discarding at least a portion of each said clip (fig. 19A and B). Although Fijita et al does not explicitly state that the first duration is between 1 and 8 seconds and the second duration is between 2 and 20 seconds, the examiner takes Official Notice that is well known in the art that start points

and end points for editing can be set by the user at any desired duration. Therefore, the user can set the first duration between 1 and 8 second, which is about 4 seconds; and the second duration between 2 and 20 seconds, which is about 10 seconds.

Regarding claim 5, Fijita et al discloses that the edited sequence is formed from a time sequential combination of the segments based upon a predetermined cutting pattern formed using segments of the first and second duration (figs. 19A and B).

Regarding claim 6, Fijita et al is considered to have alternate first and second duration segments in the predetermined cutting pattern because the user can alternate the duration of the segments; or a completely alternative first and second duration segment can be chosen (e.g. assuming that A and B are originally the first and second segments, B can be the alternative first segment and C can be the alternative second segment).

Regarding claims 7-10 and 23-25, Fijita et al discloses an initial interval of a predetermined third duration is discarded from each clip prior to formation of the edited segments from a remainder of the clip (fig. 19A and B), wherein the third duration is between 0.5 and 2 seconds (set by the user); and an initial interval of a predetermined fourth duration is discarded from at least one of the clips from which at least two of the edited segments are to be formed, the internal interval separation portions of the clip from which the two edited segments are formed (fig. 19A and B), where in the fourth duration is between 1 and 5 seconds. Additionally, some limitations of claim 24 were previously discussed in the art rejection of claim 3. Please refer to the art rejection of claim 3.

Regarding claims 11 and 26, Fijita et al discloses that the formation of the edited segments comprises cutting the segments from the clips (fig. 19A and B).

Regarding claims 12-15, 27-29, and 39-41, Fijita et al discloses that the formation of the edited segments comprises cutting a portion from at least one said clip and modifying a reproduction duration of the portion to correspond with one of the first duration or the second duration (fig. 19A and B), wherein the cutting and modifying are performed when the portion has a reproduction duration within a predetermined range of one of the first and second duration (decided by the user); the predetermined range is from 70% to 200% of the one of the first and second duration (decided by the user); wherein the modifying comprises multiplying the reproduction time of the portion by a predetermined factor and cutting the modified portion to one of the first and second duration (decided by the user). In an editing device a user selects the starting and ending points of each clip to be reproduce; therefore, the user can perform the operations describe above during editing.

Regarding claim 18, Fijita et al discloses the characteristic data comprises data accompanying the video sequence (fig. 4A-C or 6).

Regarding claim 36, Fijita et al discloses that the supply means comprises a storage arrangement (30, fig. 1) configured to couple the video sequence to the extraction means and the output means comprises at least one of a display device (50) by which the edited sequence is viewable and a further storage arrangement for storing the edited sequence (the edited sequence can be stored on 50 or output to another recorder).

Regarding claim 37, the characteristic data comprises metadata (fig. 5), the extracting means (20, fig. 1) forming a metadata file of the video sequence based upon each said clip (fig. 5), the metadata file forming an input to the processing means (40 to 10), at least the processing means comprising a computer device operable to interpret the metadata file according to the rules to form the edited instruction data (10).

The limitations of claim 38 were discussed in the art rejections of claims 2-3 and 7-10. Please refer to the art rejection of claims 2-3 and 7-10.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16, 30-31, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fijita et al in view of Ohba et al (6,334,022).

Regarding claims 16 and 30, Fijita et al discloses that the editing rules comprise and edited duration during which the edited segments are to be reproduced (set by the user), as discussed previously. However, Fijita et al does not disclose that a number of edited segments is determined based on the first and second durations.

Ohba et al teaches having set segment durations in figure 7B, wherein the number of segments can thereby be determined.

It would have been highly desirable to have set segment durations so that the clips do not have to be set by the user, the clips are automatically set based on a duration.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have set segment durations in the device of Fijita et al.

The limitations of claim 31 were discussed in the art rejection of claim 6 (note: the claim states “or a psuedo-random selection”, thereby only requiring part of the claim for an art rejection).

Regarding claim 42, Fijita et al discloses that the processing means (10, fig. 1; the processing means is shown in detail in figure 2) stores the editing rules (col. 6, lines 12-19). The duration was discussed in the art rejection of claim 16. Please refer to the art rejection of claim 16.

The limitations of claims 43-44 were discussed in the art rejection of claims 5-6. Please refer to the art rejection of claims 5-6. Note: “one of X and Y” is considered to be an alternative statement allowing either X or Y to satisfy the limitation “one of”.

7. Claims 17 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fijita et al in view of Ellis et al (5,436,653).

Regarding claims 17 and 32, Fijita et al does not disclose that the segment durations are determined using a beat period of a sound track to be associated with the edited sequence.

Ellis et al teaches using audio data along with the video data to determine segment durations (col. 33, lines 25-37) i.e. audio and video data is used to determine scene change cuts.

It would have been highly desirable to use the audio to determine segment durations so that cuts can be automatically generated without the user having to set edit points for the entire collection of video data.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use a beat period of a sound track to determined segment durations in the device of Fijita et al.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fijita et al in view of Nakatani et al (5,784,521).

Regarding claim 19, Fijita et al does not disclose incorporating a title matte as part of the edited sequence.

Nakatani et al teaches incorporating a title (fig. 6E-F). Further it is well known in the art to incorporate a title on a matte background.

It would have been highly desirable to insert a title in the video so that the video segments can be identified by the viewer. For example, if the edited segment is a movie, then the title of the movie can be inserted.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a title matte in the device of Fijita et al.

9. Claims 20, 34, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fijita et al in view of Nakatani et al and Yaegashi et al (5,956,453).

Regarding claims 20, 34, and 45, Fijita et al does not disclose examining the time data; identifying at least a beginning and a conclusion; at least one title location; and incorporating the inserted title.

Nakatani et al teaches inserting the title into the sequence, as discussed previously.

Yaegashi et al teaches examining the time data for each clip to identify those of the clips that are associative by a predetermined time function (clips are time sequential in a scene, fig. 8), the associative clips (CUTS) being arranged into corresponding groups of clips (SCENE, fig 6B); and identifying at least one of a beginning (605) and a conclusion (607) of each said group as a title location. Since Yaegashi et al separates the video into separate scenes, using the text feature of Nakatani et al title data can be inserted (e.g. "scene 1").

It would have been highly desirable to organize the clips as shown in figure 6B so that the device generates an automated grouping of cuts, scenes, and motion pictures. Since the cuts are set by the device, the user does not have to go through the process of setting cuts manually.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to organize the clips a described above, and insert titles in the device of Fijita et al.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fijita et al in view of Ohba et al, Ellis et al, Nakatani et al, and Yaegashi et al.

The methods suggested by claims 21 were discussed in the art rejection of claims 1-20. Please refer to the art rejections of claims 1-20.

11. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fijita et al in view of Ellis et al and Yaegashi et al.

Regarding claim 33, Fijita et al discloses data accompanying the video sequence. However, Fijita et al does not disclose that the data is formed by analyzing the video sequence, the analysis comprising at least one of time, image, sound, and motion analysis.

Ellis et al teaches analysis comprising sound analysis and image/motion analysis, as discussed in the art rejection of claim 16.

Yaegashi et al discloses detection based on image/motion analysis (103, fig. 2); and data accompanying the video sequence generated by the analysis (fig. 5).

It would have been highly desirable to have data accompanying the video sequence generated by analysis so that the cuts do not have to be determined manually by the user, and the data can be used to generate a graphical user interface to facilitate editing (fig. 6B of Yaegashi et al).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have data accompanying the video according to analysis in the device of Fijita et al.

12. Claims 46-48, 55-57, and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaegashi et al in view of Nakatani et al.

Regarding claims 46, 55, and 63, Yaegashi et al teaches examining the time data for each clip to identify those of the clips that are associative by a predetermined time function (clips are time sequential in a scene, fig. 8), the associative clips (CUTS) being arranged into corresponding groups of clips (SCENE, fig 8); and identifying at least one of a beginning (e.g. cut 3) and a conclusion (e.g. cut 5) of each said group as a title location. However, Yaegashi et al does not discloses examining time data and further data to generate an insert title including at least a text component; and incorporating the insert title into the sequence at the title location

Nakatani et al teaches inserting the title into the sequence, as discussed previously. Since Yaegashi et al separates the video into separate scenes, using the text feature of Nakatani et al title data can be inserted corresponding to time data and further data (e.g. "scene 1").

It would have been highly desirable to organize the clips as shown in figure 6B so that the device generates an automated grouping of cuts, scenes, and motion pictures. Since the cuts are set by the device, the user does not have to go through the process of setting cuts manually. It would have been highly desirable to insert titles in the sequence corresponding to time data and further data so that scene numbers and cut numbers can be inserted into the video so that the editor easily recognizes scenes and cuts, thereby making editing easier.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to organize the clips a described above, and insert titles in the device of Yaegashi et al.

Regarding claims 47-48, 56-57, and 64-65, Yaegashi et al discloses an editing device that allows the user to change cuts as desired (col. 3, line 25 – col. 4, line 2). Therefore, the user can associate any two sequential clips with a group when the period between the real time conclusion of one said clip and the real time commencement of the following said clip is less than a predetermined first duration. Since the user can set cuts, the further data is considered to be provided by the user (fig. 5).

13. Claims 49-50, 58-59, and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaegashi et al in view of Nakatani et al and Yoshida (5,515,101).

Regarding claims 49-50, 58-59, and 66-67, Yaegashi et al does not disclose generated data comprising a title selected from a title database consisting of individual words or phrases.

Yoshida teaches further data comprising generated data formed by analyzing the corresponding said clip and examining the data to select from a rule-based group of alternatives at least one title component from a title database, the title components collectively the inserted titles (col. 7-9), wherein the title components are selected from the group consisting of individual words or phrases (col. 7-9), the title components being configured for selecting in response to rule-based examination of the data.

It would have been highly desirable to select a title from a title database to that the titles do not have to be generated by the user; and commonly used titles are easily available.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to select titles consisting of individual words or phrases from a title database in the device of Yaegashi et al.

14. Claims 51-54, 60-62, and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaegashi et al in view of Nakatani et al, Yoshida, and Miyazaki et al (6,546,187).

Regarding claims 51-53, 60-62, and 68-70, Yaegashi et al does not disclose that the title database comprises a plurality of typeset configurations and a graphical database of graphical objects; and a matte background permitting superimposition of the inserted title upon the clip.

Miyazaki et al teaches a title database with a graphical database of graphical objects configured for inclusion in the inserted title (figs. 6-9); a plurality of typeset configurations applicable to the title components to modify a visual impact of the inserted title (figs. 6-9); and a matte background permitting the superimposition of the inserted title upon the clip (figs. 6-9).

It would have been highly desirable to have the graphical objects, typeset configurations, and a matte background so that the user has a plurality of options to select from to make the clips more interesting.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a plurality of typeset configurations, graphical objects, and a matte background in the device of Yaegashi et al.

The limitations of claim 54 were discussed in the art rejection of claims 46-53.

Please refer to the art rejection of claims 46-53.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davis et al, Kim, Abecassis, Mitsui, Persoon, McGrath, Nakamura, and Fujinami disclose various editing devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-Th 8:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

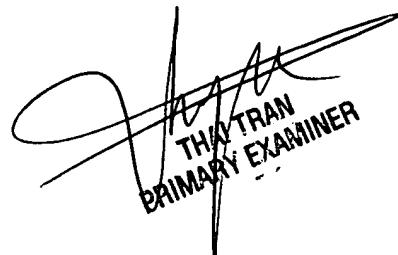
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PC  
May 16, 2003



THAI TRAN  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "THAI TRAN". Below the signature, the text "PRIMARY EXAMINER" is printed in a smaller, sans-serif font.